

## **II. AMENDMENTS TO THE DRAWINGS:**

FIG. 1 (drawing page 1/4) has been changed to add the label “USER” to objects 22 and 24; to add the label “TERMINAL CONCENTRATOR (TC) SERVER” to object 28; to add the label “MULTIPLEXOR” to object 30; and to add the label “CONSOLE DEVICE” to object 32.

FIG. 2 (drawing page 2/4) has been changed to add the label “USER” to objects 22 and 24; to add the label “SYSTEM SERVER” to object 11; to add the label “CONSOLE SYSTEM” to object 26; to add the label “TC SERVER” to objects 28A, 28B and 28N; to add the label “MULTIPX” to objects 30A, 30B and 30N; and to add the label “CON DEV” to objects 32A1, 32A2, 32A3, 32B1, 32B2 and 32N. No new matter has been added.

### III. REMARKS

Claims 1-26 are pending in this application. By this amendment, claims 1, 7, 9, 12, 20 and 26 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1 and 3-6 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zhu *et al.* (U.S. Patent No. 6,691,154), hereafter “Zhu,” in view of Powderly *et al.* (U.S. Patent No. 6,560,641), hereafter “Powderly,” and further in view of Sarin *et al.* (“Computer-based real-time conferencing systems”), hereafter “Sarin.” Claims 2, 7 and 8 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zhu in view of Powderly and Sarin and further in view of Isfeld *et al.* (U.S. Patent Number 5,483,640), hereafter “Isfeld.” Claims 9-11 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zhu in view of Powderly and Isfeld and further in view of Thompson *et al.* (U.S. Patent Publication No. 5,483,640), hereafter “Thompson.” Claims 12, 15-18, 20-22 and 24 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zhu in view of Powderly and further in view of Partridge *et al.* (U.S. Patent No. 6,160,819), hereafter “Partridge.” Claims 13-14 and 23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zhu in view of Powderly, Partridge and Isfeld. Claims 19 and 25 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zhu in view of Powderly, Partridge, Isfeld, Sarin and Thompson. Claim 26 is

rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Paroz in view of Powderly, Isfeld, Sarin and Thompson.

Claims 1 and 3-6 are also rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Paroz *et al.* (U.S. Patent No. 6,587,125), hereafter “Paroz,” in view of Powderly and Sarin. Claims 2, 7 and 8 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Paroz in view of Powderly and Sarin and further in view of Isfeld. Claims 9-11 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Paroz in view of Powderly and Isfeld and further in view of Thompson *et al.* (U.S. Patent Publication No. 5,483,640), hereafter “Thompson.” Claims 12, 15-18, 20-22 and 24 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Paroz in view of Powderly and further in view of Partridge. Claims 13-14 and 23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Paroz in view of Powderly, Partridge and Isfeld. Claims 19 and 25 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Paroz in view of Powderly, Partridge, Isfeld, Sarin and Thompson. Claim 26 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Paroz in view of Powderly, Isfeld, Sarin and Thompson.

#### **A. REJECTION OF CLAIMS 1 AND 3-6 UNDER 35 U.S.C. §103(a) OVER ZHU IN VIEW OF POWDERLY AND SARIN**

With regard to the 35 U.S.C. §103(a) rejection over Zhu in view of Powderly and Sarin, Applicants assert that the combined features of the cited references do not teach each and every feature of the claimed invention. For example, with respect to independent claim 1, Applicants submit that the combined references fail to teach or suggest, *inter alia*, that both the hardware and software layer of the console device can be accessed without the requirement for an

additional hardware dongle or a signal device transmitter. The Office admits that Zhu fails to disclose a user is capable of accessing the hardware layer of a console device. Final Office Action, page 4. Instead, the Office states that "...Powderly discloses remotely controlling a console device where both the hardware and software layers of the console device can be accessed through an adapter card placed in the console device." Final Office Action, page 4 citing Powderly, Col 5, lines 33-43. However, the remotely controlling of Powderly requires an adapter card placed in the console device. Nowhere does Powderly teach or suggest that both the hardware and software layer may be accessed without the requirement for an additional hardware dongle or a signal device transmitter. In contrast, under the claimed invention "...both the hardware and software layer of the console device can be accessed without the requirement for an additional hardware dongle or a signal device transmitter." Claim 1. As such, in contrast to Powderly, which requires an adapter card, in the claimed invention, both the hardware and software layer of the console device can be accessed without the requirement for an additional hardware dongle or a signal device transmitter. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claim 1, Applicants submit that the combined references fail to teach or suggest, *inter alia*, that the method is adapted to access the console device in the case that the console device has failed. Instead, Zhu teaches that its local unattended server includes a monitoring application that "...monitors the status of one or more applications running on the local unattended server." Col. 3, lines 38-40. To this extent, the local unattended server must be successfully running the monitoring application in order to function correctly. Nowhere do the cited references teach or suggest that they are adapted to

access the console device in the case that the console device has failed. The claimed invention, in contrast, includes "...the method is adapted to access the console device in the case that the console device has failed." Claim 1. As such, the method of the claimed invention does not need a monitoring application, as does Zhu, but instead is adapted to access the console device in the case that the console device has failed. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With still further respect to independent claim 1, Applicants respectfully submit that, contrary to the Office's assertion, the cited references also fail to teach or suggest, *inter alia*, accessing the console device on a peer to peer basis. Instead, the passage of Zhu cited by the Office teaches

The system can be configured to permit some, or alternatively, all of the remote experts in the data conference to control the file editing application associated with the desktop application or the selected application to edit the loaded desktop or the application screen, respectively. Col. 5, lines 42-47.

To this extent, the remote experts of Zhu are permitted some form of control over the desktop application. However, the above cited passage of Zhu does not teach or suggest that the remote experts access the desktop application on a peer to peer basis. The Office admits that Zhu fails to establish a true peer to peer connection, but asserts that the claimed invention does as well as a server is used to connect to the remote console device. Office Action, page 30. However, it is the accessing of the device that is performed on a peer to peer basis after the session is begun. Zhu does not teach this peer to peer accessing of a device. In fact, Zhu teaches against a peer to peer basis by citing advantages of using a client-server architecture rather than a peer-to-peer architecture. Col. 2, line 63 through col. 3, line 8. To this extent, these teachings, namely peer to peer access of any type, are in opposition to the teachings of Zhu. In contrast, the claimed

invention includes "...accessing the console device on a peer to peer basis over the hardwired network." Claim 1. As such, the accessing of the console device as included in the claimed invention does not merely use a client-server architecture as in Zhu, but rather is on a peer to peer basis. Neither Powderly nor Sarin removes this deficiency. Accordingly, Applicants request that the rejection be withdrawn.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

**B. REJECTION OF CLAIMS 2, 7 AND 8 UNDER 35 U.S.C. §103(a) OVER ZHU IN VIEW OF POWDERLY, SARIN AND ISFELD**

With regard to the 35 U.S.C. §103(a) rejection over Zhu in view of Powderly, Sarin and Isfeld, Applicants assert that the combined features of the cited references do not teach each and every feature of the claimed invention. For example, with respect to independent claim 7, Applicants submit that, as argued above with respect to claim 1, the combined references fail to teach or suggest that both the hardware and software layer of the console device can be accessed without the requirement for an additional hardware dongle or a signal device transmitter. With further respect to independent claim 7, Applicants submit that, as argued above with respect to claim 1, the combined references fail to teach or suggest that the method is adapted to access the console device in the case that the console device has failed. With still further respect to independent claim 7, Applicants submit that, as argued above with respect to claim 1, the

combined references fail to teach or suggest accessing the console device on a peer to peer basis.

Isfeld does not cure this deficiency. Additionally, there would be no motivation to combine Isfeld with Zhu because Zhu teaches against peer to peer architecture. Accordingly, Applicants request that the rejections be withdrawn.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

#### **C. REJECTION OF CLAIMS 9-11 UNDER 35 U.S.C. §103(a) OVER ZHU IN VIEW OF POWDERLY, ISFELD AND THOMPSON**

With regard to the 35 U.S.C. §103(a) rejection over Zhu in view of Powderly, Sarin and Isfeld, Applicants assert that the combined features of the cited references do not teach each and every feature of the claimed invention. For example, with respect to independent claim 9, Applicants submit that, as argued above with respect to claim 1, the combined references fail to teach or suggest that both the hardware and software layer of the console device can be accessed without the requirement for an additional hardware dongle or a signal device transmitter. With further respect to independent claim 9, Applicants submit that, as argued above with respect to claim 1, the combined references fail to teach or suggest that the method is adapted to access the console device in the case that the console device has failed. With still further respect to independent claim 9, Applicants submit that, as argued above with respect to claim 1, the combined references fail to teach or suggest accessing the console device on a peer to peer basis.

Isfeld and Thompson do not cure this deficiency, but instead, as stated above, there would be no motivation to combine Isfeld with Zhu, which teaches against peer to peer architecture.

Accordingly, Applicants request that the rejections be withdrawn.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

**D. REJECTION OF CLAIMS 12, 15-18, 20-22 and 24 UNDER 35 U.S.C. §103(a) OVER ZHU IN VIEW OF POWDERLY AND PARTRIDGE**

With regard to the 35 U.S.C. §103(a) rejection over Zhu in view of Powderly and Partridge, Applicants assert that the combined references cited by the Office fail to teach or suggest each and every feature of the claimed invention. For example, with respect to independent claims 12 and 20, Applicants submit that, as argued above with respect to claim 1, the combined references fail to teach or suggest that both the hardware and software layer of the console device can be accessed without the requirement for an additional hardware dongle or a signal device transmitter. With further respect to independent claims 12 and 20, Applicants submit that, as argued above with respect to claim 1, the combined references fail to teach or suggest, *inter alia*, that the method is adapted to access the console device in the case that the console device has failed. Accordingly, Applicants request that the rejections be withdrawn.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims from which the claims depend. Furthermore,



Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

**E. REJECTION OF CLAIMS 13, 14 and 23 UNDER 35 U.S.C. §103(a) OVER ZHU IN VIEW OF POWDERLY, PARTRIDGE AND ISFELD**

With regard to the 35 U.S.C. §103(a) rejection over Zhu in view of Powderly, Partridge and Isfeld, Applicants submit that the combined features of the cited art fail to teach each and every feature of the claimed invention. Specifically, with respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

**F. REJECTION OF CLAIMS 19 AND 25 UNDER 35 U.S.C. §103(a) OVER ZHU IN VIEW OF POWDERLY, PARTRIDGE, ISFELD, SARIN, AND THOMPSON**

With regard to the 35 U.S.C. §103(a) rejection over Zhu in view of Powderly, Isfeld, Sarin and Thompson, Applicants submit that the combined features of the cited art fail to teach each and every feature of the claimed invention. Specifically, with regard to the Office's arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do

so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

**G. REJECTION OF CLAIM 26 UNDER 35 U.S.C. §103(a) OVER PAROZ IN VIEW OF POWDERLY, ISFELD, SARIN, AND THOMPSON**

With regard to the 35 U.S.C. §103(a) rejection over Paroz in view of Powderly, Isfeld, Sarin and Thompson, as this rejection is identical to the one addressed in section N of this paper. Applicants will address it in full in that section. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

**H. REJECTION OF CLAIMS 1 AND 3-6 UNDER 35 U.S.C. §103(a) OVER PAROZ IN VIEW OF POWDERLY AND SARIN**

With regard to the 35 U.S.C. §103(a) rejection over Paroz in view of Powderly and Sarin, Applicants assert that the combined features of the cited references do not teach each and every feature of the claimed invention. For example, with respect to independent claim 1, Applicants submit that the combined references fail to teach or suggest, *inter alia*, that both the hardware and software layer of the console device can be accessed without the requirement for an additional hardware dongle or a signal device transmitter. The Office admits that Paroz fails to disclose a user is capable of accessing the hardware layer of a console device. Office Action, page 17. Instead, the Office states that "...Powderly discloses remotely controlling a console device where both the hardware and software layers of the console device can be accessed through an adapter card placed in the console device." Final Office Action, page 17 citing Powderly, Col 5, lines 33-43. However, as argued above in section A of this paper the remotely

controlling of Powderly requires an adapter card placed in the console device, and as such, does not teach or suggest that both the hardware and software layer may be accessed without the requirement for an additional hardware dongle or a signal device transmitter. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claim 1, Applicants submit that the combined references fail to teach or suggest, *inter alia*, that the method is adapted to access the console device in the case that the console device has failed. Instead, Paroz teaches that its local server that is being accessed,

...monitors the UI output from the local program and sends appropriate output to the remote computing device via the mediator; it sends commands received from the second computing device via the mediator to the local program; it analyzes the layouts (windows) displayed by the local program and then creates and maintains the logically equivalent GUI on the second computing device.” Col. 7, lines 16-25.

To this extent, the local server of Paroz requires that the above cited actions be performed locally in order for the remote control system to function correctly. Thus, Paroz would not be able to remotely control its local server if the local server had failed and the actions were not being performed. Nowhere, does Paroz teach or suggest that it is adapted to access the local server in the case that the local server has failed. In contrast, the claimed invention includes “...wherein the system is adapted to access the console device in the case that the console device has failed.”

Claim 12. As such, the system of the claimed invention does not merely function when certain actions are being performed on the machine being accessed as does the local server of Paroz, but rather is adapted to access the console device in the case that the console device has failed. For the above reasons, the local server of Paroz does not teach or suggest the console device of the

claimed invention. Neither Powderly nor Sarin cures this deficiency. Accordingly, Applicants respectfully request the Office's withdrawal of the rejection.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

#### **I. REJECTION OF CLAIMS 2, 7 AND 8 UNDER 35 U.S.C. §103(a) OVER PAROZ IN VIEW OF POWDERLY, SARIN AND ISFELD**

With regard to the 35 U.S.C. §103(a) rejection over Paroz in view of Powderly, Sarin and Isfeld, Applicants assert that the combined features of the cited references do not teach each and every feature of the claimed invention. For example, with respect to independent claim 7, Applicants submit that, as argued above in section H with respect to claim 1, the combined references fail to teach or suggest that both the hardware and software layer of the console device can be accessed without the requirement for an additional hardware dongle or a signal device transmitter. With further respect to independent claim 7, Applicants submit that, as argued above in section H with respect to claim 1, the combined references fail to teach or suggest that the method is adapted to access the console device in the case that the console device has failed. Accordingly, Applicants request that the rejections be withdrawn.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features.

Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

**J. REJECTION OF CLAIMS 9-11 UNDER 35 U.S.C. §103(a) OVER PAROZ IN VIEW OF POWDERLY, ISFELD AND THOMPSON**

With regard to the 35 U.S.C. §103(a) rejection over Paroz in view of Powderly, Sarin and Isfeld, Applicants assert that the combined features of the cited references do not teach each and every feature of the claimed invention. For example, with respect to independent claim 9, Applicants submit that, as argued above in section H with respect to claim 1, the combined references fail to teach or suggest that both the hardware and software layer of the console device can be accessed without the requirement for an additional hardware dongle or a signal device transmitter. With further respect to independent claim 9, Applicants submit that, as argued above in section H with respect to claim 1, the combined references fail to teach or suggest that the method is adapted to access the console device in the case that the console device has failed. Isfeld and Thompson do not cure this deficiency. Accordingly, Applicants request that the rejections be withdrawn.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

**K. REJECTION OF CLAIMS 12, 15-18, 20-22 AND 24 UNDER 35 U.S.C. §103(a) OVER PAROZ IN VIEW OF POWDERLY AND PARTRIDGE**

With regard to the 35 U.S.C. §103(a) rejection over Paroz in view of Powderly and Partridge, Applicants assert that the combined references cited by the Office fail to teach or suggest each and every feature of the claimed invention. For example, with respect to independent claims 12 and 20, Applicants submit that, as argued above in section H with respect to claim 1, the combined references fail to teach or suggest that both the hardware and software layer of the console device can be accessed without the requirement for an additional hardware dongle or a signal device transmitter. With further respect to independent claims 12 and 20, Applicants submit that, as argued above in section H with respect to claim 1, the combined references fail to teach or suggest, *inter alia*, that the method is adapted to access the console device in the case that the console device has failed. Accordingly, Applicants request that the rejections be withdrawn.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

**L. REJECTION OF CLAIMS 13, 14 and 23 UNDER 35 U.S.C. §103(a) OVER PAROZ IN VIEW OF POWDERLY, PARTRIDGE AND ISFELD**

With regard to the 35 U.S.C. §103(a) rejection over Paroz in view of Powderly, Partridge and Isfeld, Applicants submit that the combined features of the cited art fail to teach each and

every feature of the claimed invention. Specifically, with respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

**M. REJECTION OF CLAIMS 19 AND 25 UNDER 35 U.S.C. §103(a) OVER PAROZ IN VIEW OF POWDERLY, PARTRIDGE, ISFELD, SARIN, AND THOMPSON**

With regard to the 35 U.S.C. §103(a) rejection over Paroz in view of Powderly, Isfeld, Sarin and Thompson, Applicants submit that the combined features of the cited art fail to teach each and every feature of the claimed invention. Specifically, with regard to the Office's arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

**N. REJECTION OF CLAIM 26 UNDER 35 U.S.C. §103(a) OVER PAROZ IN VIEW OF POWDERLY, ISFELD, SARIN, AND THOMPSON**

With further regard to the 35 U.S.C. §103(a) rejection over Paroz in view of Powderly, Isfeld, Sarin and Thompson, Applicants submit that the combined features of the cited art fail to teach each and every feature of the claimed invention. For example, with respect to independent claim 26, Applicants submit that, as argued above in section H with respect to claim 1, the cited references fail to teach or suggest that both the hardware and software layer of the console device

can be accessed without the requirement for an additional hardware dongle or a signal device transmitter. With further respect to independent claim 26, Applicants submit that, as argued above in section H with respect to claim 1, the combined references fail to teach or suggest that the method is adapted to access the console device in the case that the console device has failed. Isfeld, Sarin and Thompson do not cure these deficiencies. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

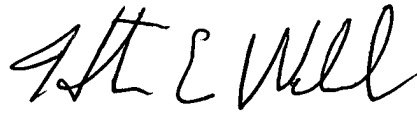
#### **IV. CONCLUSION**

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.



In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "H. E. Webb", written over a horizontal line.

Hunter E. Webb

Reg. No.: 54,593

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